

81.8243
H838

George H. Ryan
Governor

Leonard A. Sherman
Director

How the Department Responds to a Request for an Investigation of a Physician



100 West Randolph Street
Suite 9-300

Chicago, Illinois 60601

Complaint Intake Unit - 312-814-6910

General Assistance - 312-814-4500

www.dpr.state.il.us

The Mission of the Illinois Department of Professional Regulation

The Department licenses and regulates individuals in 50 professions. It is the Department's mission to serve and safeguard the public by ensuring that qualifications and standards for professional practice are properly applied and that statutes governing the professions are vigorously enforced.

Does the Department regulate physicians?

The Department licenses physicians and surgeons, osteopaths and chiropractors, all of whom are subject to the Illinois Medical Practice Act.

What is the Illinois Medical Practice Act?

The Act was passed by the Illinois General Assembly and sets forth the laws by which physicians are governed. The Act specifically identifies the types of violations for which doctors can be charged and disciplined. Several examples include: claiming a cure for an incurable disease, substance abuse, misleading advertising and violating patient confidentiality. Gross negligence is also a violation. The law defines gross negligence as "recklessness or carelessness toward or a disregard for the safety or well-being of the patient, and which results in injury to the patient."

How can I obtain a copy of the Medical Practice Act?

Acts and rules governing all professions regulated by the Department are located on the Internet at www.dpr.state.il.us. Requests for mailed copies may be made by calling the Department's Forms Unit at 217-782-8556. Copies are also available upon

request in the Department's Chicago or Springfield offices.

If a physician's privileges are curtailed at a hospital, or if he or she is found culpable in a legal action, can the Department take disciplinary action?

Yes. In addition to reviewing all consumer complaints, the Department also reviews reports sent to it from outside entities including hospitals, insurance companies and courts (a settlement or judgment alone is not considered absolute evidence of gross negligence, or the law has been broken). The Department may conduct its own investigation into the matter to determine whether a violation of the Medical Practice Act occurred.

Likewise, the Department may investigate adverse incidents that have been reported to it by a physician's place of employment.

If I think a physician violated the law, what do I do?

File a complaint by calling the Department's Complaint Intake Unit at 312-814-6910, file a complaint online at www.dpr.state.il.us, or write to: Medical Unit, Department of Professional Regulation, 100 W. Randolph St., Suite 9-300, Chicago, Illinois 60601.

Do I have to give my name?

No, you do not have to give your name. However, it is especially important to be as detailed as possible when submitting a complaint against a licensee if you decide to complain anonymously. While anonymous complaints receive the same amount of consideration as any other complaint, successful investigation and prosecution is not as common since most cases rely upon an identifiable complaintant or witness.

Then what happens?

After a complaint is received, it is forwarded to the Department's investigative unit. If the alleged activity could, if proven, constitute a violation of the Medical Practice Act, the unit docket a complaint and opens an investigation. Upon completion of the investigation, the file is sent to a Department physician who reviews it and turns it over to the Complaint Committee (a subcommittee of the Medical Disciplinary Board). The Complaint Committee may either refer the complaint to the Department Prosecutions Unit, recommend closure, or request further investigation.

What happens if my case is closed?

The Complaint Committee may recommend closure of complaints which do not allege a violation of the Medical Practice Act, or if insufficient evidence exists to allow the Department's attorney to prove a violation of the law.

What happens if a complaint is sent to Prosecutions?

The case is assigned to a Department attorney. The prosecuting attorney may schedule an informal conference where the Department, the physician, and a member of the Medical Disciplinary Board, discuss the facts of the case and possibly attempt to negotiate a discipline. If no agreement is reached, the Department attorney will initiate legal action that results in a formal hearing.

What is a formal hearing?

A formal hearing is a trial before an administrative law judge with a court reporter providing a full transcript of the proceedings. It provides the opportunity for the Department and physician to present their cases by introducing evidence and calling witnesses. After the hearing is concluded,

the administrative law judge makes a recommendation regarding discipline. That recommendation and other relevant materials are then sent to the Medical Disciplinary Board, which can accept, modify or reject the administrative judge's recommendation. Once the Medical Disciplinary Board reviews the case and makes its recommendation, the matter is sent to the Director of the Department to consider. The Director usually imposes the discipline recommended by the Board, but is not required to do so. If the physician elects to contest the final discipline, he or she may appeal to state courts.

What is the Medical Disciplinary Board?

The Board is a panel appointed by the Governor to review complaints against physicians and make recommendations to the Director in disciplinary matters. The Board consists of a total of nine individuals: five medical doctors, one osteopath, one chiropractor and two public members.

Who has the final say regarding discipline?

The Director of the Department takes evidence and recommendations into account before deciding what discipline an individual should receive. Disciplines range from a reprimand to revocation of licensure.

Can I find out if the physician has been disciplined in the past?

Yes. Prior disciplines are public information. If you want documents explaining the discipline, you may write the Department in care of Freedom of Information Office, 320 W. Washington St., Springfield, Illinois 62786. When writing be sure to include the full name and profession of the person you are checking. You may also visit our Web site



3 0112 042544624

at www.dpr.state.il.us to look-up your physician's license and view a monthly report of disciplines.

What are the limits on the action taken by the Department against physicians?

The law limits the Department's jurisdiction to actions against the physician's license. For this reason, an action by the Department will not result in any compensation, monetary or otherwise, to an aggrieved consumer. The law also limits the information the Department can disclose about physicians to: (a) whether the physician has an active license and whether the license is restricted in any way because of a Department action; (b) prior disciplines; and (c) whether a case is pending after the filing of a formal complaint and the status of that case. Importantly, the law does not allow the Department to divulge information about: (a) prior complaints not resulting in discipline; (b) other complaints being currently investigated; and (c) private lawsuits filed by other patients against the physician for malpractice. To obtain information about malpractice lawsuits, you should contact the clerk's office for your local state court.

